

Law Governing Decisional Procedures

3 AAC 110.570 DECISIONAL MEETING.

(a) Within 90 days after the last commission hearing on a proposed change, the commission will convene a decisional meeting to examine the written briefs, exhibits, comments, and testimony, and to reach a decision regarding the proposed change. No new evidence, testimony or briefing will be received during the decisional meeting, however, the chairperson may ask the department or by some other person for a point of information or clarification.

(b) Three members of the commission constitute a quorum for the conduct of business at a decisional meeting.

(c) If the commission determines that a proposed change should be altered to meet the standards established contained in the Alaska Constitution, AS 29.05, AS 29.06, or this chapter, the commission will, in its discretion, alter the proposed change and accept the petition as altered. If the commission determines that a petitioner must satisfy a certain requirement before the proposed change can take effect, the commission will include that precondition in its decision.

(d) If the commission determines that a proposed change fails to meet the standards established contained in the Alaska Constitution, AS 29.05, AS 29.06, or this chapter, the commission must reject the proposed change by a majority vote of the presently appointed membership. If the commission determines that a proposed change meets the standards established contained in the Alaska Constitution, AS 29.05, AS 29.06, or this chapter, or can be altered to meet those standards, the commission must accept the proposed or altered change by a majority vote of the presently appointed membership.

(e) The commission must keep written minutes of all decisional meetings. All votes taken by the commission must be entered in the minutes. The approved minutes are a public record.

(f) Within 30 days after the date of its decision, the commission will file as a public record a written statement explaining all major considerations leading to the decision. A copy of the statement will be mailed to the petitioner, to all respondents, and to other interested persons requesting a copy.

(g) A decision by the commission is final on the day that the written statement of decision is mailed, postage prepaid, to the petitioner and the respondents. The department will execute and file a sworn affidavit of mailing as a part of the public record of the proceedings.

History - Eff. 7/31/92, Register 123, Authority - Alaska Const. art. X., sec. 12, AS 29.05.100, AS 29.06.040, AS 29.06.130, AS 29.06.500, AS 44.33.812, AS 44.33.814, AS 44.33.816, AS 44.33.818, AS 44.33.820, AS 44.33.822, AS 44.33.826, AS 44.33.828
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